

# Arizona Racing Commission

630<sup>th</sup> Regular Meeting

Thursday, October 9, 2014

## MINUTES OF REGULAR MEETING

A public meeting of the Arizona Racing Commission was convened on Thursday, October 9, 2014 beginning at 10:06 a.m. in the Building Conference Room, Suite 250, at 1110 West Washington Street, Phoenix, Arizona 85007.

<b>PRESENT:</b>	<b>Chair</b>	<b>Erin Owens</b>
	<b>Vice Chair</b>	<b>Jay McClintock – Telephonically</b>
	<b>Commissioner</b>	<b>Rory S. Goree' - Telephonically</b>
	<b>Commissioner</b>	<b>Bill Feldmeier</b>
	<b>Commissioner</b>	<b>Tom Lawless - Telephonically</b>

**Also Present:** Director William Walsh, Assistant Attorney General, Mary D. Williams,

### **A. Call to Order**

**Chair Owens** called the 630th Regular Meeting of the Arizona Racing Commission to order at 10:06 a.m. The following matters were discussed, considered and decided at the meeting:

### **Approval of the Minutes:**

Minutes of the 629th Regular Meeting held on Wednesday, September 11, 2014 – **Commissioner Feldmeier** moved the motion to approve. **Commissioner Goree'** seconded the motion. The motion carried

### **B. New Business**

**1. Proposed Amendments to Arizona Administrative Code R19-2-401 through 420 (Advanced Deposit Wagering, Teletracking and Simulcasting) and R19-2-502, 504, 508, 509, 510, 513, 515, 520, 521, and 522, (Pari-Mutuel Wagering).**

**Director Walsh** explained that Article 4 had been used as a vehicle to put the rules together. Article 4 had been completely deleted and teletracking rules were simplified and rewritten. In Article 4, the old definitions were removed and sections, 402 through 411, would now become the rules used to oversee and regulate ADW's in the Arizona. Sections 412 through 418 would reduce some of the requirements of the track. Article 5 had two sections which seemed to fit more appropriately and had to do with simulcasting so they were cleaned up a bit and placed into Article 4. **Director Walsh** pointed out a typographical error which would need to be removed so if the Commissioners decided to approve the new rules they would have to include in their motion to remove a line on page 24 section 414 A it reads, to the Commission before the Commission may grant a teletrack wagering permit. The length of the permit. **Director Walsh** also stated he would need to contact Jeanne Hahn, the rules person to fill in the blank where this Commission Meeting and its date should be recorded. Once that is completed the package would be delivered to the Secretary of State's Office as well as the Governor's Regulatory Review Counsel. The Director had planned on delivering the package to the Secretary of State's Office either that afternoon or the next morning.

**Chair Owens** asked if the application for an ADW would need to be approved by the Department or by the Commission or both?

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**Director Walsh** answered that the Department would need to approve the application and he was uncertain as to the answer concerning the Commission's approval. He would get back to the Commissioners once he had an answer and if the answer was yes, to approve of the application, then they could do so at the October 21, 2014 Telephonic Meeting.

**Chair Owens** called for a motion to approve the proposed amendments to the Administrative Code R19-2-401 through 420 (Advanced Deposit Wagering, Teletracking and Simulcasting) and R19-2-502, 504, 508, 509, 510, 513, 515, 520, 521, 522 (Pari-Mutuel Wagering).

**Lloyd Yother**, HBPA President questioned how long it would take to get the ADW's licensed? Do current permittees need to apply for a license? His concern was being ready for the opening day.

**Director Walsh** replied that he was uncertain as to whether or not current permittees would have to have the approval of the Commission to move forward. If that statement was true then we would have to bring it back before the Commission at the October 21, 2014 Special Telephonic Meeting.

**Chair Owens** once again called for a motion to approve the proposed amendments to the Administrative Code as well as the exclusion on page 24 under the article R19-2 414A to remove the verbiage, to the Commission before the Commission may grant a teletrack wagering permit. The length of the Permit shall. **Vice Chair McClintock** moved the motion to approve. **Commissioner Feldmeier** seconded the motion. Motion carried.

## 2. Request by Turf Paradise for Approval of the Following Off Track Betting Facility: Peoria Pines Golf and Restaurant 8411 N. 107<sup>th</sup> Ave. Peoria, AZ 85345.

**Director Walsh** stated that Wendy Jack, the Off Track Betting Coordinator for the Department of Racing had visited the facility and felt it would make a suitable location for an OTB. The Department recommends approval.

**Chair Owens** called for a motion to approve Peoria Pines Golf and Restaurant as an OTB. **Vice Chair McClintock** moved the motion to approve. **Chair Owens** seconded the motion. Motion Carried.

## C. Informational Reports

### 1. Turf Paradise Opening Preparations

**Director Walsh** reported the Department was preparing for the opening of Turf Paradise on Saturday, October 18, 2014. The Department had hired a new investigator. The stewards had been preparing the last month or so and the licensing staff had been busy licensing applicants. The Director stated that on Friday, October 10, 2014, he and some of the Department staff including Nolan Thompson and Dr. Scot Waterman would be holding their annual meeting with the horsemen. Topics of discussion would include medication thresholds and milk shaking. He also stated a new veterinary technician had been hired to travel around the backside to the barns and stalls to select random horses for blood draws and testing in addition to selecting random horses on their way to the paddock. The Director reported that Turf Paradise had upgraded their starting gate which had been a major issue last year. During September and October Quarter Horse trials were held at the track and everything seemed to run well. The Stewards were relatively happy with

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the way things went on those days. The Director and Nolan Thompson were to meet with Mr. Simms and Mr. Francia regarding security issues.

**Chair Owens** asked if there would possibly be another meeting held for those participants that had not arrived yet to Turf Paradise for this year's meet.

**Director Walsh** replied he would be receptive to holding another meeting for those participants that would be arriving later.

**Chair Owens** asked the Director to expand on his comment regarding the stewards being relatively happy with the way things were going.

**Director Walsh** replied that he was referring to the quarter pole issue and the quarter pole camera. The issue had been addressed but had not been tested out yet due to the quarter horses only running on the straightaway. The Director reassured Chair Owens that the track had been cooperative.

## 2. Permittee Reports

a. American Greyhound Racing - no report

b. County Fairs - no report

c. Rillito Park - Jaye Wells from Rillito Racing and Rillito Park Foundation expressed his excitement over the upcoming opening of Turf Paradise and the new Advanced Deposit Wagering. He thanked the Department and the Commission for scheduling the upcoming Special Commission Meeting and an opportunity to receive a temporary racing permit. He reported the county had turned the keys over to them.

d. Tucson Greyhound Park -no report

e. Turf Paradise - General Manager, Vince Francia reported on the three top projects of the summer and their completion, the quarter pole was moved so the stewards would have 100% visibility of the track, the starting gate was refurbished and Advanced Deposit Wagering project was worked on with the help of the HBPA. He credited the HBPA for all of their assistance in getting these projects completed.

**Commissioner Feldmeier** asked if all of the items listed on the Safety Report submitted by Steward Gary Baze had been completed and who had been the inspector.

**Vince Francia** replied that they worked alongside Chief Steward David Smith and Steward Gary Baze to get the capital improvement projects completed.

**Chair Owens** asked if they were at full capacity and to refresh everyone on what full capacity would be.

**Vince Francia** answered he believed there were about 900 horses on the grounds. Full capacity would include: 2,000 thoroughbreds, quarter horses and ponies. He introduced Buzz Alston, attorney for Turf Paradise to make some closing remarks for them.

**Buzz Alston**, an attorney speaking on behalf of Turf Paradise. He made some remarks concerning an issue which occurred at Turf Paradise the afternoon of February 18, 2014, after a Commission meeting had taken place and the renewal of Turf Paradise's permit had been discussed.

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**Commissioner Feldmeier** asked if the Commission had a role in the issue.

**Mary Williams, Assistant Attorney General** representing the Arizona Department of Racing stated that the commission did not have to discuss or take action on this issue; it was not an agenda item. She stated that it could be an agenda item if someone requested it to be brought back at a later date. She felt Mr. Alston had simply updated the Commissioners on what had taken place.

### 3. Optional Industry Stakeholder Association Updates

- a. Arizona Greyhound Association – no report
- b. Arizona Quarter Horse Association – no report
- c. Arizona Thoroughbred Breeders Association – Dove reported that Westworld would have the horses available to view and the sale would be next Thursday, October 16.
- d. Horsemen's Benevolent & Protective Association – Lloyd Yother, President of the HBPA reported the purse money had been in arrears and he was happy to report the purse was now a few dollars ahead. He stated he had checked with the racing secretary that morning and there were 930 head of horses but he didn't know the breed ratio and there were 40 to 50 pony horses. He felt the numbers would go up as soon as New Mexico and Washington end their meets and the Canadian racers begin to come down to Phoenix.
- e. Jockey's Guild – no report
- f. Southern Arizona Racing Association Inc. – no report

### D. Commission Reports

**Director Walsh** reported that ARCI would be holding a meeting in Tucson, Arizona on Thursday, December 11<sup>th</sup> and Friday, December 12<sup>th</sup>, and if anyone would be interested to please contact him. The Director reminded everyone of the upcoming Special Telephonic Arizona Racing Commission meeting to be held on October 21, 2014.

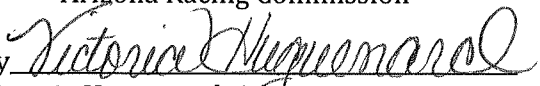
**Chair Owens** asked if anyone had anything they wished to add or if anyone would like to see an item on next meeting's agenda.

At this point it was discovered that the members appearing telephonically for the meeting were no longer on the telephone. Legal counsel stated there must be a quorum or the meeting would need to recess to relocate the members or the meeting would need to be adjourned due to a lack of a quorum. The telephonic members could not be relocated.

**Chair Owens** called for a recess at 10:51 a.m. to retain a quorum. At 10:55 a.m. Chair Owens adjourned the meeting due to lack of a quorum.

This public meeting adjourned 10:55 a.m.

Dated this 15<sup>th</sup> day of December, 2014

Arizona Racing Commission  
By   
Victoria Huguenard, Administrative Assistant